

**In the United States District Court
For the Western District of Virginia
Harrisonburg Division**

JOANNE HARRIS and JESSICA DUFF, and
CHRISTY BERGHOFF and VICTORIA KIDD,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

JANET M. RAINEY, in her official capacity as
State Registrar of Vital Records; THOMAS E.
ROBERTS, in his official capacity as Staunton
Circuit Court Clerk,

Defendants.

Civil Action No.: 5:13-cv-00077

STATUS UPDATE

Pursuant to the Court's order dated November 17, 2014, the parties submit this Status Update regarding their efforts to resolve outstanding issues and stipulate to dismissal of this case. Since November 17, 2014, the following has occurred:

1. On November 18, 2014, the plaintiff class and defendant Rainey filed a Joint Motion for Entry of Consent Order in *Bostic v. Rainey*, No. 2:13-cv-00395-AWA-LRL (E.D. Va.) (Wright Allen, J.) (Dkt. No. 158). The proposed consent order provided that (1) the *Harris* Class will be entitled to the benefit of the declaratory and injunctive relief entered on February 24, 2014 against Defendant Rainey (and her respective agents and employees) in her official capacity as State Registrar of Vital Records; (2) the Commonwealth will pay \$60,000 in full satisfaction of any claim for attorney's fees and costs by the *Harris* Class in *Bostic* or in this

case; and (3) the *Harris* Class will work with defendant Rainey to seek an agreed dismissal of this case.

2. On November 24, 2014, the *Bostic* court entered an order deferring ruling on the Motion for Consent Order, and directing counsel to file a Joint Status Report by December 4, 2014 addressing whether the Motion should be adjudicated by the *Bostic* court or this court, and stating this Court's views on the request. (*Bostic* Dkt. No. 161.)

3. On December 3, 2014, the *Harris* Class and Rainey submitted the requested Status Report to the *Bostic* court (*Bostic* Dkt No. 163), which is attached hereto as Exhibit A.

4. The Motion for Consent Order is still pending in the *Bostic* court. The parties will promptly inform this Court when a ruling is issued, or will file another status update in 30 days if a ruling is not issued before then.

Dated: December 17, 2014

Respectfully submitted,

JOANNE HARRIS and JESSICA DUFF, and
CHRISTY BERGHOFF and VICTORIA
KIDD, on behalf of themselves and all others
similarly situated

JANET M. RAINEY, in her official capacity
as State Registrar of Vital Records

By: /s/ Rebecca K. Glenberg

By: /s/ Stuart A. Raphael

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